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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,585	05/23/2001	Terry Hermanson	1907.P124	8392

5514            7590            12/14/2001

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/862,585	TERRY HERMANSON
	Examiner Korie H. Chan	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "11" as discussed on page 5, line 5 and "25" as discussed on page 7, line 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: page 5, line 7, "crowing" should be corrected to "crowning". Further, on page 6, paragraph 3, line 3, applicant refers to "bayonet 22"; however, on page 7, lines 2-3, applicant refers to the same reference numeral as "bias leaf 22". Clarification required.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 2, line 2, "said sliding rod" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cawley et al'586. Cawley'586 discloses a tree-top mounting device comprising a housing (the threaded connector A connecting two parts of 6, fig. 2 as shown by examiner's attached illustration), an elongated support (101 and 6) slidably received within the housing, a fitting head (101) disposed at a distal end of elongated support and a fastener (the threaded inner walls of connector A in figure 2) adapted to secure the housing to the tree; a lock to secure the sliding rod (threaded external portion of rod 6) in the housing; a fitting head includes bayonet coupling (figure 3A and figure 3B) comprising a disc (102, fig. 2) and a cylindrical connector (101, fig. 3A).

Claims 1, 4, 6, 7, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuss'004. Fuss discloses a tree-top mounting device comprising a housing (24, fig. 2), an elongated support (18) slidably received within the housing, a fitting head (socket 30, fig. 4) disposed at a distal end of elongated support and a fastener (22 and 26) adapted to secure the housing to the tree; a fitting head includes

bayonet coupling means (30) comprising a disc (fig. 4) and a cylindrical connector (30, fig. 4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss'004 in view of Hamilton'882. Fuss'004 disclosed all the claimed features of applicant's claimed invention except for means for locking the sliding rod within the housing. Hamilton teaches a telescoping rod (A) with means to lock (C') the sliding rod with the housing (C). It would have been obvious to one of ordinary skill in the art to provide a fastener to the sliding rod and housing connection of Fuss'004 for fixing the sliding rod within the housing during support as taught by Hamilton'882.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss'004 in view of Gladsden et al'270. Fuss'004 disclosed all the claimed features of applicant's claimed invention except for bayonet coupling attachment. Gladsden'270 teaches a light mounted on top of a post having bayonet coupling attachment (38). It would have been obvious to one of ordinary skill in the art to mount the ornament light of Fuss'004 via bayonet coupling as taught by Gladsden'270 for ease in mounting.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss'004 in view of Aldridge'098. Fuss'004 disclosed all the claimed features of applicant's claimed invention except for the fastener as being hook and loop fastener. Aldridge teaches in a tree top mounting assembly of providing hook and loop fastener (20, fig. 4) for securing to the top of the tree. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the clamp fastener of Fuss'004 with hook and loop fastener strap as taught by Aldridge'098. Such modification would have involved a mere substitution of one known fastener for another well-known fastener which is well within the ambit of one of ordinary skill in the art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burnbaum'787 and Frank et al'936 teach tree top mounting assemblies. Ross teaches use of multiple straps to mount a holder to the top of a post. Katz teach connection means. Johnson, Jr. et al and Patry further teach bayonet coupling means on top of a post. Clayton et al further teach locking means for telescoping members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703-308-2156. The fax phone numbers for

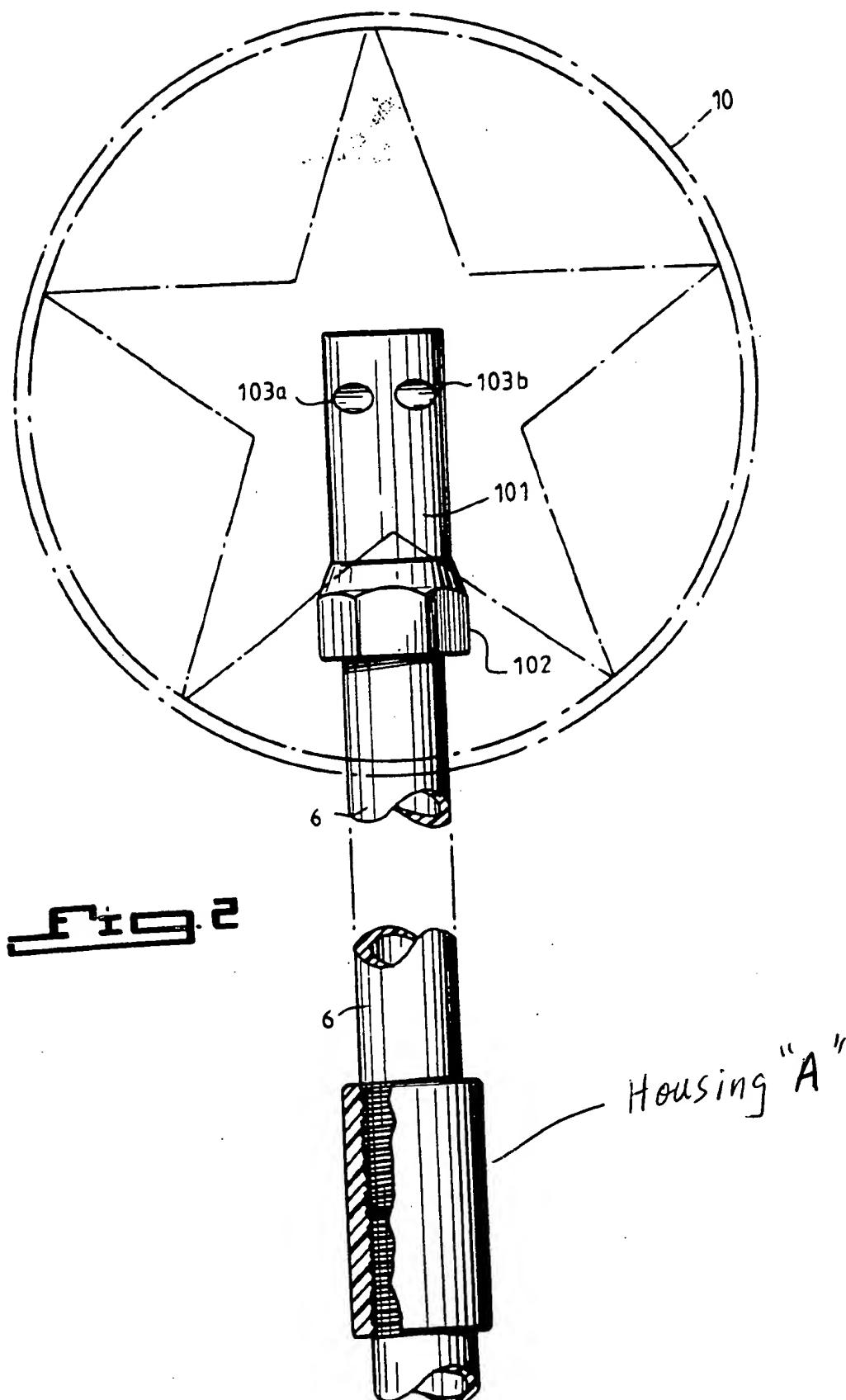
the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Korie H. Chan  
Examiner  
Art Unit 3632

khc  
December 11, 2001



Examiner's illustration